

COMMON COUNCIL MEETING MINUTES

MONDAY, OCTOBER 1, 2012 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President Richard L. Sharp, Council Members Carol Schleif, W. Eric Seidensticker, Sue Finkam, Luci Snyder, Ronald E. Carter, Kevin D. Rider, Clerk-Treasurer Diana L. Cordray and Deputy Clerk Treasurer Lois Fine.

Mayor Brainard called the meeting to order at 6:01 p.m.

Reverend Patti Payntor, Carmel United Methodist Church, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

APPROVAL OF MINUTES:

Councilor Seidensticker made a motion to approve minutes from the September 17, 2012 Regular Meeting. Councilor Schleif seconded. There was no Council discussion. Council President Sharp called for the vote. Minutes were approved 7-0.

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

John Accetturo, addressed the Council regarding the City's debt ranking.

Cheri Dick, addressed the Council and gave a report on the Arts and Culture at the Booth Tarkington Civic Theatre.

Dwight Lile, representing the Constitutional Patriots, addressed the Council regarding the Carmel Redevelopment Commission refinance.

Mike Shaver, addressed the Council regarding the Carmel Redevelopment debt.

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Clerk-Treasurer Diana L. Cordray addressed Mike Shaver's comments regarding the dollar (\$) threshold for consulting contracts.

Mayor Brainard and Councilor Sharp addressed Mr. Accetturo's comments regarding the City's debt ranking.

Councilor Snyder addressed the Council regarding the Hamilton County Humane Society.

ACTION ON MAYORAL VETOES:

There were none.

CLAIMS:

Councilor Seidensticker made a motion to approve claims in the amount of \$2,420,331.07. Councilor Snyder seconded. There was no Council discussion. Council President Sharp called for the vote. Claims were approved 7-0.

Wire Transfers Month of August, 2012. Councilor Snyder made a motion to acknowledge wire transfers in the amount of \$961,542.27. Councilor Seidensticker seconded. There was no Council discussion. Council President Sharp called for the vote. Wire transfers were acknowledged 7-0.

COMMITTEE REPORTS:

Councilor Snyder reported that the Finance, Administration and Rules Committee had met on September 20th and discussed Ordinance D-2100-12, Ordinance D-2106-12 and Ordinance D-2108-12. Ordinance D-2106-12 was forwarded back to the Council with a 4-0 favorable recommendation and Ordinance D-2108-12 was forwarded back to the Council with a favorable recommendation with proposed amendments. The committee met on September 28th and discussed Ordinance D-2095-12 (this meeting was held at American Pension Advisors). The next meeting will be held on Wednesday, October 3, 2012 at 5:30 to discuss Ordinance D-2095-12.

Councilor Seidensticker reported that the Land Use, Annexation and Economic Development Committee had met and discussed Resolution CC-09-17-12-01 which remains in committee, Ordinance Z-560-12 which was forwarded back to the Council with a favorable recommendation and Ordinance Z-561-12 which remains in committee.

Councilor Carter reported that the Parks, Recreation and Arts Committee had not met.

Councilor Rider reported that the Utilities, Transportation and Public Safety Committee had not met. The next meeting will be held on Monday, October 8, 2012 at 5:30 p.m.

Dave Bowers, Council representative on the Carmel Redevelopment Commission, was available for questions of the Council regarding the financial activities of the Carmel Redevelopment Commission. There was brief Council discussion. Les Olds, Executive Director, Carmel Redevelopment Commission, addressed the Council. There was brief Council discussion.

OLD BUSINESS

Council President Sharp announced the **Ninth Reading of Ordinance D-2092-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving and Adopting an Interlocal Agreement (*Between the City of Carmel and the Indiana Department of Transportation Pertaining to a Landscape Maintenance Agreement*); Sponsor: Councilor Rider. Remains in the Utilities, Transportation and Public Safety Committee. This item was not discussed.

Council President Sharp announced the **Ninth Reading of Ordinance D-2095-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-48 (*Deferred Compensation Plan*) of the Carmel City Code; Sponsors: Councilors Rider, Sharp, Snyder, Carter, Schleif and Finkam. Remains in the Finance, Administration and Rules Committee. This item was not discussed.

Council President Sharp announced the **Seventh Reading of Ordinance D-2098-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving the Appropriation of Monies from the City of Carmel, Indiana, General Fund for use in the Support The Arts Fund (\$1,358,000); Sponsor: Councilor Sharp. Remains in the Finance, Administration and Rules Committee. This item was not discussed.

Council President Sharp announced the **Second Reading of Ordinance D-2102-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Fixing Salaries of Appointed Officers and Employees of the Clerk-Treasurer, City of Carmel, Indiana, for the Year 2013; Sponsors: Councilors Seidensticker, Sharp and Snyder. Sent to the Utilities, Transportation and Public Safety Committee. This item was not discussed.

Council President Sharp announced the **Second Reading of Ordinance D-2103-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Fixing Salaries of Appointed Officers and Employees of the Carmel City Court for the Year 2013; Sponsors: Councilors Seidensticker and Snyder. Sent to the Utilities, Transportation and Public Safety Committee. This item was not discussed.

Council President Sharp announced the **Second Reading of Ordinance D-2104-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Fixing Salaries of Appointed Officers and Employees of the City of Carmel, Indiana, for the Year 2013; Sponsor: Councilor Sharp. Sent to the Utilities, Transportation and Public Safety Committee. This item was not discussed.

Council President Sharp announced the **Second Reading of Ordinance D-2105-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Fixing Salaries of Elected Officials of the City of Carmel, Indiana, for the Year 2013; Sponsors: Councilors Seidensticker, Sharp and Snyder. Sent to the Utilities, Transportation and Public Safety Committee. This item was not discussed.

Council President Sharp announced the **Third Reading of Ordinance D-2106-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adopting a Policy Regarding Nepotism and Contracting with the City to be Codified in City Code Chapter 2, Article 5, Sections 2-181(*City Policy Regarding Nepotism*) and 2-189 (*City Policy Regarding Contracting with the City by Relatives of Elected Officials*); Councilor Snyder presented the Finance, Administration and Rules Committee report to the Council. This item was referred back to the Council with a 4-0 favorable recommendation. Councilor Snyder made a motion to approve Ordinance D-2106-12. Councilor Finkam seconded. There was no Council discussion. Council President Sharp called for the vote.

Ordinance D-2106-12 was adopted 7-0.

Council President Sharp announced the **Second Reading of Ordinance D-2108-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 1, Section 2-8 (*Redevelopment Commission*), Establishing the Carmel Redevelopment Department. Councilor Snyder presented the Finance, Administration and Rules Committee report to the Council and referred to Tom Perkins, Attorney, Frost Brown Todd to present proposed Ordinance D-2108-12 As Amended, Version 2 – October 1, 2012 (incorporating Finance Committee recommendations) to the Council for discussion. There was no Council discussion. Councilor Seidensticker made a motion to amend Ordinance

D-2108-12, substituting in whole. Councilor Schleif seconded. There was no Council discussion. Council President Sharp called for the vote. The motion to amend Ordinance D-2108-12 was approved 7-0. Councilor Seidensticker made a motion to incorporate lines 96 – 101 by inserting *(i) Any professional services contract or agreement to retain consultants or other professionals, by or with the CRC, in amounts more than twenty-thousand dollars (\$20,000) per year, must be approved by the Council. If such a professional is initially engaged for less than twenty-thousand dollars (\$20,000) per year, the treasurer of the CRC may not disburse funds that exceed twenty-thousand dollars (\$20,000) in any given year without Council approval.* Councilor Schleif seconded. There was no Council discussion. Council President Sharp called for the vote. The motion to amend the amendment Failed 2-5 (Councilors Finkam, Snyder, Carter and Rider opposed). Councilor Snyder made a motion to amend the amendment by using the language contained in lines 96 – 101 read into the record by Councilor Seidensticker earlier by substituting \$25,000 for \$20,000 on lines 98, 99 and 100. Councilor Seidensticker seconded. There was no Council discussion. Council President Sharp called for the vote. The motion to amend the amendment was approved 5-2 (Councilors Finkam and Carter opposed). There was brief Council discussion. Councilor Schleif made a motion to Amend Ordinance D-2108-12 As amended, line 117, Section 6 by inserting *January 1, 2013.* Councilor Snyder seconded. Mayor Brainard addressed the Council. There was additional Council discussion. Councilor Rider made a motion to amend the amendment by inserting at the end of line 101 - *Approval under this paragraph shall consist of a simple majority vote of the Council to a written request filed by the CRC.* Councilor Carter seconded. There was no Council discussion. Council President Sharp called for the vote. The motion to amend the amendment was approved 7-0. Councilor Seidensticker made a motion to approve Ordinance D-2108-12 As Amended. Councilor Schleif seconded. There was brief Council discussion. Councilor Carter asked for clarification of Clerk-Treasurer Diana L. Cordray. Clerk-Treasurer Diana L. Cordray addressed Councilor Carter. Council President Sharp called for the vote. **Ordinance D-2108-12 As Amended** was adopted 7-0.

Council President Sharp announced **Resolution CC-09-17-12-01**; A Resolution of the Common Council of the City of Carmel, Indiana, Amending the Carmel Clay Comprehensive Plan “C3 Plan 2009” Regarding the Transportation Plan; Sponsor: Councilor Rider. Remains in the Land Use, Annexation and Economic Development Committee. This item was not discussed.

Council President Sharp announced the **Second Reading of Ordinance Z-560-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Extending the Sunset Provision on the Process for Demolition of Contributing Buildings Old Town District Overlay Zone in the Carmel Zoning Ordinance. Councilor Seidensticker presented the Land Use, Annexation and Economic Development Committee report to the Council. This item was referred back to the Council with a favorable recommendation. Councilor Seidensticker made a motion to approve Ordinance Z-560-12. Councilor Schleif seconded. There was no Council discussion. Council President Sharp called for the vote. **Ordinance Z-560-12** was adopted 7-0.

Council President Sharp announced the **Second Reading of Ordinance Z-561-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending the City of Carmel Sign Ordinance; Sponsor: Councilor Rider. Remains in the Land Use, Annexation and Economic Development Committee. This item was not discussed.

PUBLIC HEARINGS

Council President Sharp announced the **Fifth Reading of Ordinance D-2100-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving a Lease Between the City of Carmel Redevelopment Authority and the City of Carmel Redevelopment Commission to Refinance Certain

Obligations (\$195,000,000); Sponsors: Councilors Sharp and Snyder. Remains in the Finance, Administration and Rules Committee. Council President Sharp opened the Public Hearing at 7:23 p.m.

John Accetturo and Bob Wallace addressed the Council with concerns regarding this Ordinance.

Seeing no one else who wished to speak, Council President Sharp closed the Public Hearing at 7:27 p.m. This item was not discussed.

Council President Sharp announced the **First Reading of Ordinance D-2101-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Appropriations for the 2013 Budget (\$119,097,244). Councilor Rider made a motion to move this item into business. Councilor Finkam seconded. Council President Sharp referred to Mayor Brainard to present this item to the Council. Mayor Brainard referred to Curt Coonrod to address the Council. There was brief Council discussion. Council President Sharp opened the Public Hearing at 8:02 p.m.

Bob Wallace and Kyle Kinnemon addressed the Council with concerns regarding this Ordinance.

Seeing no one else who wished to speak, Council President Sharp closed the Public Hearing at 8:09 p.m. Council President informed the Council that a Special Meeting would be noticed to only discuss Ordinance D-2101-12. Clerk-Treasurer Diana L. Cordray addressed the Council.

NEW BUSINESS

Council President Sharp announced the **First Reading of Ordinance D-2109-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Enacting and Adopting a Supplement to the Code of Ordinance of the City of Carmel, Indiana (*ALP 2nd Quarter Codification*). Councilor Seidensticker made a motion to move this item into business. Councilor Schleif seconded. Councilor Snyder presented this item to the Council. Councilor Seidensticker made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Finkam seconded. There was no Council discussion. Council President Sharp called for the vote. The motion was approved 7-0. Councilor Seidensticker made a motion to approve Ordinance D-2109-12. Councilor Schleif seconded. There was no Council discussion. Council President Sharp called for the vote. **Ordinance D-2109-12** was adopted 7-0.

Council President Sharp announced the **First Reading of Ordinance D-2110-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing and Approving an Additional Appropriation of Funds (\$570,000) from the Operating Balance of the General Fund; *Carmel Police Department Uniformed PERF* (\$390,000); *Communications Center – Other Contracted Services* (\$180,000). Councilor Seidensticker made a motion to move this item into business. Councilor Snyder seconded. Councilor Seidensticker presented this item to the Council. There was no Council discussion. This item will be held over to the October 15, 2012 meeting for a Public Hearing.

Council President Sharp announced **Resolution CC-10-01-12-01**; A Resolution of the Common Council of the City of Carmel, Indiana, to Set Taxes Payable in 2013 and Authorization of Borrowing Between Funds. Councilor Snyder made a motion to move this item into business. Councilor Seidensticker seconded. Councilor Snyder presented this item to the Council. There was no Council discussion. This item will be placed on the Council agenda when Ordinance D-2101-12 (2013 City Budget) is scheduled for adoption.

OTHER BUSINESS

There was none.

ANNOUNCEMENTS

There were none.

EXECUTION OF DOCUMENT

ADJOURNMENT

Mayor Brainard adjourned the meeting at 8:24 p.m.

Respectfully submitted,

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer